

## **EXHIBIT D**

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESALE PRICE )  
LITIGATION )

MDL No. 1456

Civil Action: 01-CV-12257-PBS

THIS DOCUMENT RELATES TO )  
ALL ACTIONS )

Judge Patti B. Saris

**DECLARATION OF Michael O. Gum,**

Pursuant to 28 U.S.C. § 1746, declares as follows:

1. I currently hold the position of Director of Pharmacy at The Presbyterian Hospital in Charlotte, North Carolina. I have held this position since February, 2005.

2. My job duties at the hospital include oversight of the Pharmacy, including Purchasing, Billing, Distribution and Policy. I am knowledgeable regarding the manner in which The Presbyterian Hospital bills patients for in-patient and out-patient medical services, including the methods by which the hospital determines charges for medication administered to patients.

3. I have reviewed the hospital's billing records for Susan Ruth Aaronson. In particular, I have reviewed the hospital's charges for [REDACTED]

4. I am not able to determine the National Drug Code ("NDC") for the [REDACTED] that was administered

to Ms. Aaronson. Accordingly, I am unable to say who manufactured the drugs that were administered to this patient.

5. The Presbyterian Hospital's charge for [REDACTED] was \$925.50 for a 200 mg injection and \$1,388.25 for a 300 mg injection. Presbyterian Hospital charged \$925.50 for the 200 mg [REDACTED] injection administered to Ms. Aaronson as part of out-patient treatment in November and December 2004, and in January and March 2005. Presbyterian Hospital charged \$1,388.25 for a 300 mg [REDACTED] injection administered to Ms. Aaronson as part of out-patient treatment in March 2005.

6. The Presbyterian Hospital's charges for the [REDACTED] administered to Ms. Aaronson in 2004 and 2005 whether as part of her in-patient or out-patient treatment – were not based on Average Wholesale Price ("AWP").

7. Ms. Aaronson's records also indicate that she received [REDACTED] as part of out-patient treatment at Presbyterian Hospital. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in July and August 2004 was \$603.95 for a 40,000 unit injection. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in September and November 2004 was \$454.60 for a 40,000 unit injection. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in February 2006 was \$494.05 for a 40,000 unit injection.

8. The Presbyterian Hospital's charges for the [REDACTED] administered to Ms. Aaronson in 2004 and 2006— whether as part of in-patient or out-patient treatment — were not based on Average Wholesale Price ("AWP").

9. Ms. Aaronson's records also indicate that she received [REDACTED] as part of out-patient treatment at Presbyterian Hospital. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in August and September 2004 was \$3,373.50 for a 6 mg injection. Presbyterian Hospital's charge for the [REDACTED] administered to Mrs. Aaronson in September, October, November, and December 2004, and January and March 2005 was \$3,576.45 for a 6 mg injection.

10. The Presbyterian Hospital's charges for the [REDACTED] administered to Ms. Aaronson in 2004 and 2005 whether as part of her in-patient or out-patient treatment — were not based on Average Wholesale Price ("AWP").

11. Ms. Aaronson's records also indicate that she received [REDACTED] as part of out-patient treatment at Presbyterian Hospital. Presbyterian Hospital's charge for the [REDACTED] administered to Ms. Aaronson in February 2006 was \$215.75 for a 300 mg injection.

12. The Presbyterian Hospital's charges for the [REDACTED] administered to Ms. Aaronson in 2006 whether as part of her in-patient or out-patient treatment — were not based on Average Wholesale Price ("AWP").

I declare under penalty of perjury that the foregoing statement is true and correct.

Executed on this 9<sup>th</sup> day of June, 2006.

Michael O. Gurn  
Michael O. Gurn, PharmD  
Director of Pharmacy

Beth C. Wilson  
Notary Public

My Commission Expires: ~~to~~ 12/9/2007

